

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JUNE 16, 2009

CALL TO ORDER/NOTING OF QUORUM

Chairman Snow called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Superintendent Huskey and Executive Secretary Dunsmore were also in attendance.

Marc Carmichael, Lisa Goldner, Greg Genrich, Mark Webb, Jim Purucker, Jeff McKean, John Barnett, Suzanna Hartzell, Deb Scott, and Bart Herriman were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the June 2, 2009 meeting. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the June 16, 2009 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the

inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Two hundred (200) renewals approved, fifty (50) new and/or transfer permits approved, eight (8) permits approved for catering, one (1) permit approved for first year escrow, three (3) permits approved for second year escrow, one (1) permit approved for third year escrow, two (2) permits approved for fourth year escrow, one (1) permit approved for fifth year escrow, and one (1) permit approved for sixth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Guthrie and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR02-23478 MISS Q'S CAFÉ – Commissioner Guthrie noted this permittee requested this type 209 permit be converted to a type 210 permit, due to annexation. However, the initial notice of annexation was posted prior to applying for this permit, and; therefore, the location does not qualify for conversion.

Commissioner Guthrie moved to deny the request. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL53-95268 BANYA, INC. – Commissioner Guthrie moved to disapprove the issuance of this new permit, due to the fact that the applicant has never appeared before the local board, as required. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR49-25878 EL REY DEL TACO #1, CORPORATION – Commissioner Guthrie noted this is a new type 112 application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated the local board found that the applicant failed to disclose a conviction on the application.

Commissioner Guthrie moved to uphold the local board and deny the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR79-25782 GOLDEN DREAM CORPORATION – Commissioner Guthrie noted this is a new type 103 application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie stated the local board felt that the applicant would have trouble understanding the rules and regulations necessary to hold this permit due to a language barrier.

Commissioner Guthrie moved to table this matter and send it to Excise to investigate a solution to the language barrier. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR82-06478 GLORIA'S CORRAL CLUB, INC. – Commissioner Guthrie noted this is a type 210 renewal with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the renewal. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR71-00613 BEVERLY'S WABASH TAVERN – Commissioner Guthrie stated the commission previously approved the transfer of this permit. However, the local board made stipulations regarding their recommendation for approval unknown to the Commission.

Commissioner Guthrie moved to reverse the approval and deny the issuance of the transfer. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

INACTIVE FILES – Vice Chairman Johnson moved to make five (5) permits inactive. All five permits are not subject to auction. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR45-21837 HABANEROS, LTD. - Vice Chairman Johnson moved to reactivate this permit due to the fact that this is a type 103 underlying permit with the 210-1 permit still active. Motion seconded by Commissioner Guthrie and it was unanimously approved.

PERMITS REVOKED – Commissioner Guthrie stated twenty-two (22) permittees were sent notice to appear before the Commission on this date, regarding the revocation of their permit. None of the permittees appeared at the meeting and; therefore, Commissioner Guthrie moved to revoke those permits. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

OLD BUSINESS

SOUTHERN WINE AND SPIRITS OF INDIANA – Chairman Snow stated that the vote on the above referenced permits was to take place at this meeting; however, due to the fact that the Excise investigation is not complete, the vote will take place in due course.

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

RECONVENED

RR49-25878 EL REY DEL TACO #1, CORPORATION – Commissioner Guthrie noted the Commission previously, during this meeting, voted to deny this application. The Commissioner received information regarding the non-disclosure of the conviction.

Commissioner Guthrie moved to reverse the previous denial and remand the application to the local board for reinvestigation. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Approved this _____ day of _____, 2009.

P. TOM SNOW, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER